

AN ACT

ENTITLED, An Act to revise certain provisions concerning certain fees for the electronic transmission of court records.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 16-2-29 be amended to read as follows:

16-2-29. The clerk of courts shall charge and collect the following fees:

- (1) For the probate of an estate, seventy-five dollars;
- (2) For all service connected with the preparation and transmission of a settled record to the Supreme Court, including the remittitur from the Supreme Court, fifty dollars;
- (3) For any of the following, twenty-five dollars:
 - (a) Civil cases filed for jury or court trial;
 - (b) Guardianship or conservatorship actions, adoption cases, termination of life estates;
 - (c) Cases to determine amount of inheritance tax in estates in which real and personal property is transferred in contemplation of death;
 - (d) Default actions to quiet title to real property;
 - (e) Default cases involving garnishment proceedings;
 - (f) Dissolutions of corporations;
 - (g) Foreclosure actions;
 - (h) Special administration proceedings;
 - (i) Summary administration proceedings;
 - (j) Appeals to the circuit court from an action of a political subdivision of the state or from an action of the state or its officers, boards, agencies, and commissions; or
 - (k) All matters not otherwise provided for in this section;
- (4) For any of the following, fifty dollars:

- (a) Petitions and motions to modify final child support orders, except if the petitioner or moving party is a recipient of assistance benefits pursuant to Title 28;
 - (b) Petitions and motions to modify final child custody orders;
 - (c) Petitions and motions to modify final visitation orders;
 - (d) Petitions and motions to modify final spousal support orders;
- (5) For any of the following, five dollars:
- (a) Issuing a transcript of a judgment;
 - (b) Filing and docketing a transcript of a judgment;
 - (c) Issuing and docketing an execution, commission, or writ;
 - (d) Filing a special execution; or
 - (e) Renewing a judgment according to § 15-16-33;
- (6) For any of the following, two dollars:
- (a) Reproducing an authenticated, exemplified, or double certificate of a record on file in the clerk's office;
 - (b) Certifying a document not excepted by subdivision (7) of this section;
 - (c) Issuing a subpoena in a civil case; or
 - (d) Safekeeping or filing of a will;
- (7) All true and correct copies of any original record or paper furnished by the attorney of record or the personal representative qualified to act in any of the following cases which are necessary for the completion of the case shall be certified at no extra charge for the certification:
- (a) Guardianship or conservatorship actions, adoption cases, termination of life estates, trusts, probate actions;
 - (b) Cases to determine amount of inheritance tax in estates in which real and personal

property is transferred in contemplation of death; and

(c) Divorce actions;

- (8) For a facsimile or electronic mail transmission of any opinion, record, or paper from an active or inactive file in the clerk's custody, one dollar per page, but the minimum charge is five dollars. Fees collected pursuant to this subdivision shall be deposited into the unified judicial system court automation fund.

No fee for filing, docketing, issuing, recording, certifying, or searching, or other fee or commission, may be required of the state, any foreign state, or the federal government, or its officers, boards, agencies, and commissions, or its political subdivisions, in any action or proceeding commenced by the state or a political subdivision. In addition, no fee for record searches may be required of any agency of the federal government which is charged with law enforcement or investigatory duties under federal law.

No filing fee may be required in any action under § 25-10-3, 25-10-6, 22-19A-8, or 22-19A-12.

Section 2. That § 16-2-29.1 be amended to read as follows:

16-2-29.1. The clerk of the Supreme Court shall charge the following fees and shall collect them in advance:

- (1) For each action or proceeding originally commenced in or brought to the Supreme Court by appeal, to be advanced by the party commencing or bringing such action or proceeding, fifty dollars;
- (2) For each certificate of admission to practice as an attorney and counselor at law, ten dollars;
- (3) For each copy of any opinion, record or paper from an active file in the clerk's custody, fifty cents per page, provided, however, that the minimum charge shall be two dollars;
- (4) For each copy of any opinion, record or paper from an inactive file in the clerk's custody, fifty cents per page, provided, however, that the minimum charge shall be five dollars;

- (5) For facsimile or electronic mail transmission of any opinion, record or paper from an active or inactive file in the clerk's custody, one dollar per page, provided, however, that the minimum charge shall be five dollars.

No fee may be required under the provisions of this section in habeas corpus proceedings or in actions or proceedings or appeals brought by the state or agencies thereof, including political subdivisions, or public officials acting on the behalf of any of them.

An Act to revise certain provisions concerning certain fees for the electronic transmission of court records.

I certify that the attached Act
originated in the

HOUSE as Bill No. 1038

Chief Clerk

Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1038
File No. _____
Chapter No. _____

Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor

STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State